

Minneapolis Community Development Agency

## Request for City Council Action

Date: August 12, 2002

To: Council Member Lisa Goodman, Community Development Committee  
Council Member Barbara Johnson, Ways and Means/Budget Committee

Prepared by George Kissinger, Senior Project Coordinator, Phone 612-673-5014

Approved by Chuck Lutz, MCDA Interim Executive Director \_\_\_\_\_

**Subject: Informational Status Report, Brookfield Saks Lease**

**Previous Directives:** June 7, 2002 City Council action to reject Brookfield settlement offer of May 6, 2002 regarding Saks Parcel with intent and effect of allowing Brookfield ground lease to expire on termination date of June 15, 2002.

**Ward:** 7

**Neighborhood Group Notification:** N/A

**Consistency with *Building a City That Works*:** N/A

**Comprehensive Plan Compliance:** N/A

**Zoning Code Compliance:** N/A

**Impact on MCDA Budget:** Appropriation approved to provide for the collection of rental income and pay property management expenses.

**Living Wage / Business Subsidy:** N/A

**Job Linkage:** N/A

**Affirmative Action Compliance:** N/A

**Recommendation:** Receive and File this informational status report.

Crown Roller Mill,  
105 Fifth Ave. S., Suite 200  
Minneapolis, MN 55401-2534  
Telephone: (612) 673-5095  
TTY: (612) 673-5154  
Fax: (612) 673-5100  
www.mcda.org

Equal Housing and Employment Opportunities

There have been several developments in this matter since the last informational report.

Brookfield is now collecting and holding rents (including the Saks base monthly rent of \$16,667). Prior to expiration of the ground lease the Saks base rent had been forwarded to the MCDA by Brookfield under terms of the ground lease. Brookfield has not surrendered possession and continues to hold over as tenant after expiration of the ground lease.

Brookfield is claiming that their interest in the Saks Parcel is a mortgage interest, not a lease, and therefore they are not subject to eviction. They claim that they are subject to a mortgage that must be foreclosed. Brookfield acknowledges that they can be foreclosed and there is no question that the MCDA, as owner, can ultimately take possession. It is the nature of their interest that is in dispute and there will be a hearing in District Court on this matter on September 12.

Also, Brookfield Investments, Inc. has now initiated a foreclosure of their mortgage against Brookfield Market Inc. on the adjoining North Parcel. The MCDA holds a second mortgage on this property as security for a \$7.5 million loan made in 1987. With accrued interest, the amount due and owing the MCDA on this loan is just under \$17.5 million. That amount is due in full this coming September 30<sup>th</sup>. The amount of the first mortgage (approximately \$44 million) substantially exceeds the value of the property (appraised at \$10.1 million) so the MCDA will see no proceeds from this pending foreclosure.

Concurrently, Brookfield has indicated a desire to settle the Saks/North Parcel defaults and has approached the MCDA with a series of ideas suggesting possible avenues of settlement. While there is no further formal offer by Brookfield at this time, the MCDA is exploring such possibility.

This report was prepared by George Kissinger. For more information, please call 612-673-5014.